

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

CIVIL SERVICE COMMISSION

One Ashburton Place: Room 503
Boston, MA 02108

MICHAEL DeAMBROSE,
Appellant

v.

B2-18-200

HUMAN RESOURCES DIVISION,
Respondent

Appearance for Appellant:

Pro Se
Michael DeAmbrose

Appearance for Respondent:

Mark Detwiler, Esq.
Human Resources Division
One Ashburton Place: Room 211
Boston, MA 02108

Commissioner:

Christopher C. Bowman

ORDER OF DISMISSAL

1. On October 18, 2018, the Appellant, Michael DeAmbrose (Mr. DeAmbrose), a firefighter for the City of Cambridge (City), filed an appeal with the Civil Service Commission (Commission), contesting a determination by the state's Human Resources Division (HRD) to not award him four (4) education and experience (E&E) credits for his bachelors degree on a promotional examination for Fire Lieutenant, administered by HRD on November 18, 2017.
2. On November 20, 2018, I held a pre-hearing conference at the offices of the Commission, which was attended by Mr. DeAmbrose and counsel for HRD.
3. At the pre-hearing conference, HRD indicated that the determination was made based on the fact that Mr. DeAmbrose failed to provide an official copy of his transcript on or before November 25, 2017, the deadline for submitting E&E documentation for the November 18, 2017 promotional examination.
4. Mr. DeAmbrose received HRD's determination on March 30, 2018.

5. G.L. c. 31, s. 22 states in relevant part that: “ ... review of the marking of the applicant’s answers to essay questions, of the marking of the applicant’s training and experience, or of a finding that the applicant did not meet the entrance requirements for appointment to the position shall be filed with the administrator no later than seventeen days after the date of mailing by the administrator of the notice to the applicant of his mark on the examination or his failure to meet the entrance requirements for appointment to the position.” (emphasis added)
6. Mr. DeAmbrose did not file an appeal with HRD within seventeen days of March 30, 2018.
7. G.L. c. 31, s. 24 states in relevant part: “ ... The commission shall refuse to accept any petition for appeal unless the request for appeal, which was the basis for such petition, was filed in the required time and form and unless a decision on such request for review has been rendered by the administrator.”

For these reasons, the Appellant’s appeal under Docket No. B2-18-200 is *dismissed*.

Civil Service Commission

/s/ Christopher Bowman
Christopher C. Bowman
Chairman

By a vote of the Civil Service Commission (Bowman, Chairman; Camuso, Ittleman, Stein and Tivnan, Commissioners) on December 6, 2018.

Either party may file a motion for reconsideration within ten days of the receipt of this Commission order or decision. Under the pertinent provisions of the Code of Mass. Regulations, 801 CMR 1.01(7)(I), the motion must identify a clerical or mechanical error in this order or decision or a significant factor the Agency or the Presiding Officer may have overlooked in deciding the case. A motion for reconsideration does not toll the statutorily prescribed thirty-day time limit for seeking judicial review of this Commission order or decision.

Under the provisions of G.L. c. 31, § 44, any party aggrieved by this Commission order or decision may initiate proceedings for judicial review under G.L. c. 30A, § 14 in the superior court within thirty (30) days after receipt of this order or decision. Commencement of such proceeding shall not, unless specifically ordered by the court, operate as a stay of this Commission order or decision. After initiating proceedings for judicial review in Superior Court, the plaintiff, or his / her attorney, is required to serve a copy of the summons and complaint upon the Boston office of the Attorney General of the Commonwealth, with a copy to the Civil Service Commission, in the time and in the manner prescribed by Mass. R. Civ. P. 4(d).

Notice:

Michael DeAmbrose (Appellant)
Mark Detwiler, Esq. (for Respondent)